IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 22835 of 2004

Between:

1 Vempalli Rammohan Raju, S/o. Venkata Raju,
R/o. Narikellapalli Village, Muttukuru Mandal, Nellore District.
2 Vempalli Subramanyam Raju, S/o. Venkata Raju,
R/o. Narikellapalli Village, Muttukuru Mandal, Nellore District.
3 Gadiraju Venkateswarlu, S/o. Venkata Raju,
R/o. Narikellapalli Village, Muttukuru Mandal, Nellore District.
4 Nandimanadalam Ramana Raju, S/o. Peda Raju,
R/o. Narikellapalli Village, Muttukuru Mandal, Nellore District.
5 Chittetti Chenchamma, W/o. Chenchu Ramaiah,
R/o. Narikellapalli Village, Muttukuru Mandal, Nellore District.
6 Vempalli Syamala, W/o. Rammohan Raju,
R/o. Narikellapalli Village, Muttukuru Mandal, Nellore District.

... PETITIONERS

AND

1 The Joint Collector, Nellore District, Nellore.
2 The Chairman, Co-operative Joint Forming Society/
Revenue Devisional Officer, Nellore.
3 The Mandal Revenue Officer, Muttukur Mandal, Nellore.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ in the nature of a Writ of Mandamus or any other appropriate Writ, direction order or orders declaring the action of the respondents-1 in not granting stay of the impugned proceedings dated 23-9-2004 in R.C.No. 1458 of 2004 and the action of the respondents 2 and 3 in trying to dispossess the petitioners when the appeals are pending as wholly arbitrary, illegal and void.

Counsel for the Petitioner: MR.M.P.CHANDRAMOULI
Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

2. In this writ petition, the petitioners are challenging the order dated 23-09-2004 passed by the second respondent in R.C.No.1458 of 2004 in respect of Ac.1.66 cents of dry land comprised in S.No.334/2 of Narikelipalli Village, Muthukur Mandal, Nellore District. The impugned orders were issued by the second respondent in exercise of the powers under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). It is submitted that against the orders passed by the second respondent, petitioners already preferred an appeal before the first respondent – Joint Collector, under Section 4 of the Act and the same is pending on the file of the first respondent.

3. In the circumstances, the writ petition is disposed of directing the first respondent – Joint Collector to consider the appeal and the stay application said to have been filed by the petitioner and pass appropriate orders either on the stay application or the appeal, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Till passing of such orders, *status quo* obtaining as on today shall be maintained.

The writ petition is accordingly disposed of.

N.V. RAMANA, J

December 10, 2004

MRR/TVK

To:

1 The Joint Collector, Nellore District, Nellore.
2 The Chairman, Co-operative Joint Forming Society/
Revenue Devisional Officer, Nellore.
3 The Mandal Revenue Officer, Muttukur Mandal, Nellore.

4 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

5 Two C.D. Copies.